

March 21, 2005  
Regular Session

Minutes

Members present

D.C. Swaim- Chairman  
Brady Wooten- Vice- Chairman  
Leon Casstevens- Commissioner  
Kim Clark Phillips- Commissioner  
Allen Sneed- Commissioner

Others Present

Cecil E. Wood- County Manager  
James Graham- County Attorney  
Melinda Vestal-Clerk to the Board

Chairman Swaim called the meeting to order. Attorney Graham led the invocation. Kristen McKnight, granddaughter of Chairman Swaim and student at Jonesville School, led the pledge of allegiance.

Ms. McKnight stated Jonesville School raised \$7,000 for Relay for Life.

Rick Swaim, Principal, talked highly of his school and students. He thanked the Board for the opportunity to speak.

Chairman Swaim welcomed former Commissioner Davis to the meeting.

**Public Comments**

Dr. Keith Phillips, Chairman, Board of Health, presented their choice for the new Health Director, Mike Reavis. He will start effective March 22, 2005.

Peggy Boose, Boonville, discussed previous capital projects and how they went over budget. She discussed personnel, options for the upcoming budget and the appointments to the E&R Board.

Sheriff Cain informed the Board about a shooting in the county involving one of his deputies. He told the Board that he is tired of his budget being cut. He said that he is losing employees due to low pay. Sheriff Cain stated as an elected official he is accountable to the citizens of the county and the Board of Commissioners is responsible for the safety of the citizens. Sheriff Cain stated he would be requesting pay increases for his deputies. Sheriff Cain also stated he would be asking for more personnel.

Minutes

**\*Commissioner Wooten made the motion to approve the minutes with changes. Commissioner Phillips seconded. The Board voted 5-0.**

Citizen concern

Yancey St. John spoke on the Swan Creek interchange. He presented an updated resolution that he would like the Board to approve.

The Board discussed the RPO and TIP.

**\*Commissioner Casstevens made the motion to adopt the resolution. Commissioner Wooten seconded.**

Commissioner Sneed stated he would like to see the interchange at Swan Creek but Yadkin County has limited funds and making this a top priority would take money from other priority projects.

Commissioner Wooten stated passing this resolution is only to consider adding it the priority list.

**The Board voted 5-0.**

## RESOLUTION

WHEREAS, the North Carolina Department of Transportation has completed and now opened U.S. Highway #421, a limited access highway in Yadkin County but did not construct an entrance/exit at SR 1300 (Swan Creek Road); and

WHEREAS, SR#1300 is a major connecting roadway along; which is a fairly dense residential community and several large businesses. There is also located on SR #1300 the only FAA recognized airport (Swan Creek Airport) in Yadkin County; and

WHEREAS, an entrance/exit at the intersection of SR #1300 and U.S. 421 would make it much easier for members and guests to have access to churches in the area, to wit: Union Baptist, Old Fashion Baptist, and others, particularly, Swan Creek Baptist Church which has greater than 500 members and a close association with Piedmont Baptist College in Forsyth County. Representatives of Piedmont Baptist College regularly travel from Forsyth County to Swan Creek Baptist Church and many have trouble locating the church due to no interchange at SR# 1300; and

WHEREAS, SR #1300 is a heavily traveled route for both private and commercial traffic from the Elkin-Jonesville area to the "Wilkesboro's, Boone and Winston-Salem. A large number of students from the Elkin-Jonesville area regularly use SR #1300 to travel both on a daily and weekly basis to school at Wilkes Community College and Appalachian State University; and

WHEREAS, an entrance/exit at the intersection of SR #1300 and U.S. 421 is necessary for the continued growth of the business and towns of Elkin-Jonesville, and to promote tourism in conjunction with emerging viticulture industry in the area. Four commercial vineyards have already

formed an association "The Vineyards of Swan Creek" and have filed for national recognition as a recognized viticulture area. The main access to two of these vineyards is off SR #1300.

NOW, BEFORE BE IT RESOLVED that the Yadkin County Board of Commissioners support, as a new item, the construction of a new interchange at the intersection of U.S. 421 and SR # 1300 in Yadkin County.

Adopted this the 21<sup>st</sup> of March, 2005  
D.C. Swaim, Chairman

Melinda Vestal, Clerk to the Board

### **Zoning- setting of public hearing**

**\*Commissioner Wooten made the motion to set a public hearing April 18<sup>th</sup> at 7:00 p.m. to consider zoning amendments. Commissioner Phillips seconded. The Board voted 5-0.**

### **Personnel-sick policy**

Mr. Wood presented the following amendment to the sick leave policy:

### **Sick Leave Amendment**

Abuse of the privilege of sick leave-exhibited by a pattern of continually using the sick leave, as it is earned, can result in punitive actions against the employee including termination. When the employee cannot show that sick leave is being used for serious medical conditions, the Supervisor/Department Head shall notify the County Manager for further investigation into possible abuse of this benefit.

Yadkin County shall provide as an incentive for an employee not using sick leave a fifty-dollar (\$50) bonus for each quarter that the employee has no recorded sick leave.

**\*Commissioner Wooten made the motion to approve the amendment to the sick leave policy effective July 1, 2005. Commissioner Sneed seconded. The Board voted 5-0.**

### **Water/Sewer- Hwy 601 Project**

Mr. Wood updated the Board about the EDA Grant. He also informed the Board that the widening project for Hwy 601 is affecting the sewer lines. He has talked with the contractor on the project and they have estimated that it would cost the county \$20,000-\$23,000 to move the lines. The county would be billed for the work once the project is completed. The county would be able to set up a payment schedule to pay for moving the lines.

**Area Agency on Aging- board appointment**

**\*Commissioner Phillips made the motion to appoint Thomas Wooten to the Area Agency on Aging Committee. Commissioner Sneed seconded. The Board voted 4-1. Commissioner Casstevens opposed.**

**Chairman Swaim called for a break.**

**Water-Yadkinville and Jonesville**

Mr. Wood presented information received from the Town of Jonesville and the Town of Yadkinville concerning the availability of water and cost figures.

After discussion the Board determined that Yadkinville's additional supply of water would better fit the county's needs at this time.

Commissioners Phillips and Wooten suggested meeting with the Town of Yadkinville.

**Tax administration- refunds, adjustments and board appointment**

**\*Commissioner Wooten made the motion to approve the refunds and adjustments. Commissioner Phillips seconded. The Board voted 5-0.**

**\*Commissioner Phillips made the motion to allow Chairman Swaim to appoint someone to fill the vacancy on the E&R Board due to Bud Matthews' resignation. Commissioner Casstevens seconded. The Board voted 5-0.**

**Finance- loan proposals**

Mr. Wood informed the Board that he has spoken with BB&T and clarified that there would not be a prepayment penalty. He also presented the Board with the following resolution:

Resolution Approving Financing Terms

**WHEREAS:** The Yadkin County ("County") has previously determined to undertake a project for construction of three EMS Base Stations and construction of an animal shelter, and the Finance Officer has now presented a proposal for the financing of such Project.

**BE IT THEREFORE RESOLVED, as follows:**

1. The County hereby determines to finance the Project through Branch Banking and Trust Company ("BB&T"), in accordance with the proposal dated February 16, 2005. The amount financed shall not exceed \$949,000, the annual interest rate (in the absence of default or change in tax status) shall not exceed 3.71 %, and the financing term shall not exceed 15 years from closing

2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the County are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and Deed of Trust and a Project Fund Agreement as BB&T may request.
3. The Finance Officer is hereby authorized and directed to hold copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by County officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificate from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms, as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.
4. The County shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligation. The County hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of the Internal Revenue Code Section 265(b)(3).
5. All prior actions of County officers in furtherance of the purposes if this resolution is hereby ratified approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this 21<sup>st</sup> day of March 2005.

S/Melinda Vestal  
Clerk

s/Cecil Wood  
County Manager

**\*Commissioner Phillips made the motion to approve the resolution and proceed with the proposal from BB&T. Commissioner Wooten seconded. The Board vote 4-1. Commissioner Casstevens opposed.**

### **Sewer- East Bend**

Mayor Bill Hardy, East Bend, stated East Bend is ready to begin Phase II of their sewer project and he is requesting financial assistance from the county.

The Board took no action at this time. This item will be discussed during the budget process.

**Commissioner Comments**

Commissioner Sneed presented a resolution against the higher tax on cigarettes.

**\*Commissioner Sneed made the motion to adopt the resolution and send it to Governor Easley. Commissioner Wooten seconded. The Board voted 4-1. Commissioner Phillips opposed.**

Resolution

WHEREAS, North Carolina ranks number one in tobacco production with farmers raising 40 percent of the tobacco grown in the United States generating an annual farm income of \$587 million, and

WHEREAS, the tobacco industry directly and indirectly employs more than 280,000 North Carolinians, and tobacco manufacturing adds about \$11 billion to the gross state product, and

WHEREAS, North Carolina's tobacco industry generated more than \$40.3 million in gross state tax revenues in Fiscal Year 2003.

Therefore be it resolved that North Carolina General Assembly has under consideration a proposal to raise the state cigarette excise tax by 45 cents per pack- a 900 percent increase over the next two years, and

Be it further resolved that North Carolina already collects more 60 cents from every pack of cigarettes sold, and

Be it further resolved that cigarette excise taxes are regressive, hurting working families across the state- many of whom earn less than \$25,000 a year, and

Be it further resolved economists estimate North Carolina retailers and wholesalers stand to lose about \$112 million in gross profits, displacing nearly 1,600 jobs due to a 45 cent increase in the state cigarette excise tax.

Be it further resolved that the Yadkin County Board of Commissioners does hereby express its opposition to Governor Mike Easley's proposal to raise the state cigarette excise tax by 45 cents per pack, and does hereby urge the 2005 session of the North Carolina General Assembly to reject this tax increase.

Be it further resolved that a copy of this resolution transmitted to the Governor of the State of North Carolina.

Signed this the 21<sup>st</sup> day of March, 2005

D.C. Swaim, Chairman

Yadkin County Board of Commissioners

Melinda Vestal, Clerk

Commissioner Sneed discussed some issues with the animal shelter.

Mr. Wood addressed the issues and stated the contractor is working on the problems.

Commissioner Casstevens inquired about NACo.

Commissioner Casstevens discussed a letter he received from Community Links.

Commissioner Sneed informed the Board about a program where public officials tour local businesses.

Commissioner Wooten stated he would like to review the final drawings for the animal shelter.

Commissioner Wooten discussed other grant options.

Mr. Wood stated those grants were from the Clean Water Act Bond. Yadkin County applied but received no money.

Commissioner Phillips discussed the grant writer and her disappointment with his actions.

Commissioner Phillips stated she has spoken with David Long, a consultant in Planning and Organizational Development, and would like to ask him to come to the county and assist the county with its future planning.

Commissioner Phillips commented there would be very little money from the reval. The current tax rate is 68 cents and reval, at this rate, will give the county an additional \$376,000. Commissioner Phillips informed the Board that the Board of Education would be asking to purchase 16 mobile units at a cost of \$500,000. The county will have expenses that have to be funded- sheriff, schools, county projects, etc. She also suggested talking with the towns about water and working together for the betterment of the county. Commissioner Phillips stated that raising taxes or borrowing money is an investment for Yadkin County.

Commissioner Wooten commented the Board's responsibility is to be sensitive to the citizens' wishes. He stated when the citizens voted against the previous bond that was an indication they did not want their taxes increased.

Commissioner Phillips differed with Commissioner Wooten stating citizens are receptive to a tax increase to move the county forward.

Commissioner Phillips informed the Board that the Board of Education has requested to move the quarterly meeting up to May 9<sup>th</sup> due to the fifth Monday being on Memorial Day.

The Board agreed to meet May 9<sup>th</sup>.

**Manager comments**

Mr. Wood presented a request to ask for reimbursement for the properties the county purchased for 5-D through consent orders; Waddell, Creed, Groce and Shore.

**\*Commissioner Wooten made the motion to approve asking for reimbursement for the Waddell, Creed, Groce and Shore properties. Commissioner Sneed seconded. The Board voted 5-0.**

Mr. Wood informed the Board that the Soil and Water Board would like to meet with the Board on March 24<sup>th</sup> at 3:00 p.m.

Mr. Wood presented information on a workshop called “ Understanding County Governance in Our Public Education System”.

Mr. Wood informed the Board they have been invited to the new Iredell County Library’s open house set for April 17<sup>th</sup>.

**Closed Session-personnel and economic development**

**\*Commissioner Wooten made the motion to go in closed session per G.S. 143-318.11 (a)(6)(4). Commissioner Sneed seconded. The Board voted 5-0.**

**\*Commissioner Wooten made the motion to come out of closed session. Commissioner Sneed seconded. The Board voted 5-0.**

Commissioner Wooten stated whenever there is status change for an employee, the employee should sign the status sheet acknowledging the change.

**\*Commissioner Wooten made the motion to reinstate Darlene Crater’s salary to a 63-9, effective July 1, 2005. Commissioner Casstevens seconded.**

Commissioner Sneed requested that another employee’s file be reviewed.

**The Board voted 3-2. Commissioners Swaim and Phillips opposed.**

**Adjournment**

**\*Commissioner Wooten made the motion to adjourn. Commissioner Sneed seconded. The Board voted 5-0.**